



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

v.

MATTHEW D. ROGERS,
Defendant.

Case No. 1:22-cr-192

STATEMENT OF FACTS

The United States and the defendant, Matthew D. Rogers (hereinafter, "the defendant"), agree that at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. On or about May 20, 2022, in South Riding, Virginia, within the Eastern District of Virginia, the defendant did knowingly and unlawfully possess a machinegun, as defined in Title 26, U.S. Code, Section 5845(b), to wit; a part designed and intended solely and exclusively for use in converting a weapon into a machinegun, in violation of Title 18, U.S. Code, Section 922(o).

2. As used herein, the term "machine-gun conversion part" means a part designed and intended solely and exclusively for use in converting a firearm into a weapon that shoots automatically more than one shot, without manual reloading, by a single function of the trigger. A "machine-gun conversion part" constitutes a "machinegun" under Title 26, U.S. Code, Section 5845(b).

3. As used herein, the term "machine gun" means a weapon that shoots automatically more than one shot, without manual reloading, by a single function of the trigger. A "machine gun" constitutes a "machinegun" under Title 26, U.S. Code, Section 5845(b).

4. As of May 23, 2020, the defendant possessed a machine-gun conversion part that he made from a coat hanger. The defendant took a picture of this machine-gun conversion part at his residence using an iPhone.

5. On May 24, 2020, the defendant sent a text message to an individual, hereinafter referred to as “K.T.” stating, “Also, the lighting link for the AR works. Its [sic] full auto.” When using the term “lighting link,” the defendant was referring to a “lightning link,” a slang term that is often used to refer to any device for converting an AR-15 rifle into a machine gun. In sending this message, the defendant was informing K.T. that the machine-gun conversion part had converted his rifle into a machine gun.

6. On or about May 28, 2020, the defendant contacted a seller in New York over Facebook (hereinafter, the “Seller”) about purchasing machine-gun conversion parts. In discussing the sale of the machine-gun conversion parts, the defendant and the Seller used coded language, describing the parts as phone “stands” and “phone holders.” The defendant purchased four machine-gun conversion parts from the Seller for \$20.00. The defendant paid the Seller using CashApp. The Seller mailed the machine-gun conversion parts to the defendant at the defendant’s home address in the Eastern District of Virginia. The defendant received the machine-gun conversion parts from the Seller by June 10, 2020.

7. After receiving the four machine-gun conversion parts from the Seller, the defendant transferred one of the parts to K.T. The defendant took the machine-gun conversion part back from K.T. in late 2021 or early 2022. Law enforcement recovered this machine-gun conversion part when searching his home on May 20, 2022, as described below.

8. The defendant attempted to sell his rifle—a Bushmaster Firearms International, model XM15-E2S, 300 AAC Blackout caliber, AR-type firearm, serial number BK5096835 (hereinafter, the “AR Rifle”—with a machine-gun conversion part.

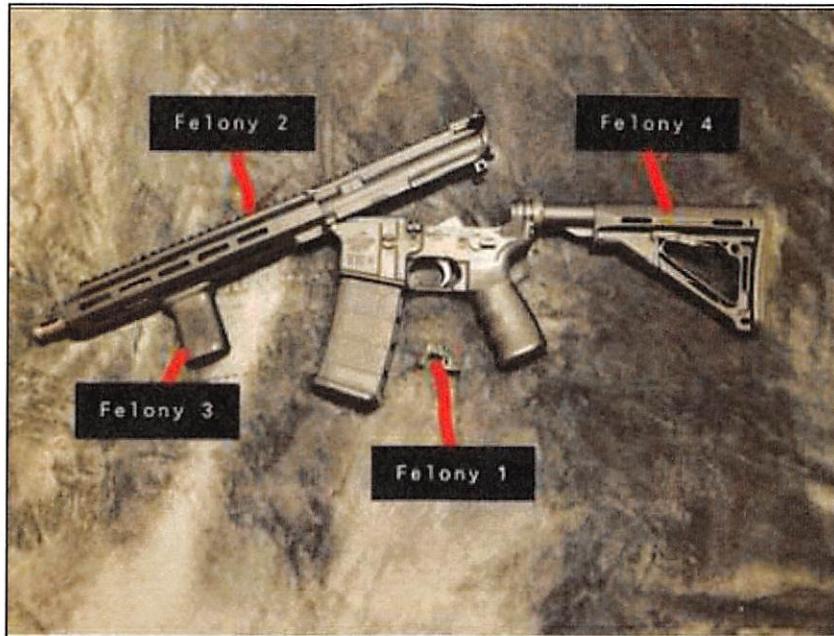
9. For example, on or about August 14, 2020, the defendant sent a photograph that depicted the AR Rifle and accessories to a user with the initials “E.A.” over Facebook. The accessories depicted in the photograph included a machine-gun conversion part. In the picture, the AR Rifle had an AR-type, 5.56mm NATO caliber, upper receiver (hereinafter, the “Short Barrel”) attached to it. With that upper receiver attached, the barrel of the AR Rifle was less than 16 inches in length (also known as a “short-barrel rifle”). On or about August 14, 2020, the defendant told E.A. that the AR Rifle was “full auto.” On or about August 22, 2020, the defendant told E.A. that he could not sell the AR Rifle at a gun show because it was “illegal for 3 reasons lmao [laughing my ass off].” The defendant knew that the AR Rifle was an illegal short-barrel rifle and that the machine-gun conversion part was illegal.

10. On August 21, 2020, the defendant sent an individual, hereinafter referred to as “E.L.,” a text message. In the message, the defendant asked E.L. if he knew of “anyone looking to buy a rifle.” The defendant offered to sell his AR Rifle for \$1500 in cash. The defendant informed E.L. “[k]eep it dl because its [sic] a felony if i we [sic] get caught with it.” By using the term “dl,” the defendant was using shorthand for “down low,” meaning to keep the matter discreet. The defendant explained to E.L. that the AR Rifle was an “[u]nregistered full auto SBR.” By using this description, the defendant was conveying to E.L. that the AR Rifle was a fully automatic, short-barrel rifle that was not registered in the National Firearms Registration and Transfer Record.

11. On or about January 3, 2021, the defendant contacted another user over Facebook, hereinafter referred to as “H.M.,” about trading the AR Rifle for a pickup truck. The defendant

sent H.M. a photograph of the AR Rifle with the Short Barrel attached. The defendant again described the AR Rifle as “auto,” which was a reference to the AR Rifle being a machine gun.

12. On or about January 27, 2021, the defendant created the following image on his laptop computer:



13. The defendant had edited the photograph to denote which firearm components he understood to be illegal. As relevant here, Felony 1 points to a machine-gun conversion part and Felony 2 points to the Short Barrel.

14. On or about July 16, 2021, the defendant sent a text message to K.T. stating that he “accidentally told [his] mom [his] rifle is auto,” which was a reference to his AR Rifle being a machine gun.

15. On May 20, 2022, law enforcement agents conducted a lawful search of the defendant’s residence. In the defendant’s room, law enforcement agents recovered two machine-gun conversion parts (one made from polymer material by additive manufacturing and the other made from wire), the Short Barrel, and the AR Rifle. A law enforcement officer installed the two

machine-gun conversion parts into the AR Rifle, and both parts converted the AR Rifle into a machine gun. Another law enforcement agent affixed the Short Barrel to the AR Rifle and measured the length of the barrel from the bolt face to the end of the muzzle break as approximately 11.75 inches.

16. At no time was a machinegun or a rifle having a barrel or barrels of less than 16 inches in length (as those terms are used in 26 U.S.C. § 5845) registered to the defendant in the National Firearms Registration and Transfer Record.

17. This statement of facts includes those facts necessary to support the plea agreement between the defendant and the United States. It does not include each and every fact known to the defendant or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

18. The actions of the defendant, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

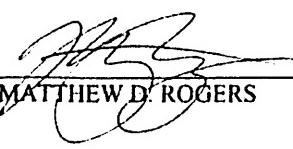
Respectfully submitted,

Jessica D. Aber
United States Attorney

Date: October 20, 2022

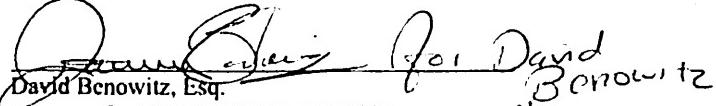
By: 
Thomas W. Traxler
Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, MATTHEW D. ROGERS, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



MATTHEW D. ROGERS

I am David Benowitz, the defendant's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



David Benowitz, Esq.
Attorney for MATTHEW D. ROGERS
VSB #
88414